

DISTRICT COURT (FIFTH DISTRICT : IRON COUNTY) [1690]

PROBATE CASE FILES, 1895-1956.

64 microfilm reels

DESCRIPTION: Probate case files from the Fifth District Court in Iron County primarily involve the probate of estates for deceased persons and guardianship for minors and incompetent persons. Probate is judicial oversight of property in transition. Probate of estates is the process by which a deceased person's property is identified and maintained, his debts and taxes paid, and then remaining property distributed to beneficiaries as specified in a will or as required by law for persons who die intestate (without a will). In guardianship cases probate is the establishment of a guardian for minors or incompetent adults who hold property that needs management. In addition to probate these case files also include name changes and some adoptions.

Utah's Territorial Assembly established original jurisdiction over the probate of estates and the guardianship of incompetent persons with county probate courts in 1852 (An Act in Relation to the Judiciary. Acts, Resolutions, and Memorials passed by the First Annual, and Special Sessions of the Legislative Assembly. Great Salt Lake City, 1852, Brigham H. Young, Printer. pp. 38-48). That jurisdiction transferred to the probate divisions of District Courts when County Probate Courts were abolished at statehood.

The probate process includes three parts. First, a petitioner must file with the court the documents necessary to have the court appoint a representative. Documents relating to this process include wills, petitions, letters of administration, bonds, etc., and a court order appointing an administrator, executor, or guardian. Second, the appointed representative does all that is necessary to manage the property through the period of transition. Documents filed here might include a court order appointing appraisers, notices to creditors, estate inventories, various kinds of financial statements, receipts, bills, and the court-appointed representative's final report. Finally, when all requirements have been met, such as all bills paid or a minor has become of age, the court mandates a final settlement and releases the representative from

any further responsibility.

The Territorial Legislature made provision for formal adoptions in 1884 and assigned jurisdiction to County Probate Courts (Compiled Laws of Utah, vol. II, 1888, part 5, chapter 4). Adoption case files include a formal petition, documents supporting the petition and the court's final decree. In this series adoption case files begin in 1893. Whereas early adoptions were open to the public and sometimes published in the newspaper, adoptions later became private. Most adoption records in this series are closed to public access (see access restrictions note). In addition to probate and adoption, case files this series also include official name changes.

ARRANGEMENT: Case files are arranged numerically by case number.

RESEARCH NOTE: It appears that the court began renumbering probate case files on two separate occasions. Researchers will see two separate ranges numbering from 1 to 100 that were created between 1895 and 1908. After 1908 the case files remain consistently numbered to the end of the series.

RELATED RECORDS: Series 26659 , PROBATE INDEX, contains an index book which can be used to identify the case numbers needed to access these case files. Series 18218 , PROBATE REGISTERS OF ACTION, record the date any action was taken on a case and briefly state what that action was. Series 1124 , PROBATE RECORD BOOKS, more fully document court proceedings as they relate to individual cases.

CUSTODY HISTORY: All case files created between 1895 and 1956 were transferred to the Utah State Archives in 2007. For access to case files post-1955 researchers should contact the clerk of the Fifth District Court in Iron County.

ACCESS RESTRICTIONS: Probate proceedings are public records. However adoption records, which are filed throughout the probate case files, require the permission of the Fifth District Court until 100 years have passed.

PROCESSING NOTE: This series was archivally processed by Jim Kichas and Emily Gurr in May 2008 as part of a NHPRC grant project designed to preserve the historic records of Utah's Fifth District Courts.

GAPS IN SERIES: Cases 2, 9, 25, 33, 37, 174, 184, 190, 198, 307, 319, 376, 575, 580, 596, 614, 763, 810, and 1457 are missing

PREFERRED CITATION: Cite the Utah State Archives and Records Service, the creating agency name, the series title, and the series number.

CONTAINER LIST

Reel	Description	Dates
1	Case Files: 1 - 15	1895-1908
2	Case Files: 16 - 47	1895-1908
3	Case Files: 48 - 68	1895-1908
4	Case Files: 69 - 90	1895-1908
5	Case Files: 91 - 100	1895-1908
5	Case Files: 1 - 13	1895-1908
6	Case Files: 14 - 33	1895-1908
7	Case Files: 34 - 52	1895-1908
8	Case Files: 53 - 76	1895-1908
9	Case Files: 77 - 100	1895-1908
10	Case Files: 1 - 12	1908-1912
11	Case Files: 13 - 40	1908-1912
12	Case Files: 41 - 61	1912-1914
13	Case Files: 62 - 82	1914-1916
14	Case Files: 83 - 98	1916-1917
15	Case Files: 99 - 116	1918-1919
16	Case Files: 117 - 142	1918-1920
17	Case Files: 143 - 163(a)	1920
18	Case Files: 164 - 187	1920-1922
19	Case Files: 188 - 208	1922-1927
20	Case Files: 209-240	1927-1930
21	Case Files: 241 - 261	1927-1930
22	Case Files: 262 - 290	1927-1930
23	Case Files: 291 - 320	1927-1930

Reel	Description	Dates
24	Case Files: 321 - 1927-1930 355	
25	Case Files: 357 - 1930-1932 382	
26	Case Files: 383 - 1930-1932 412	
27	Case Files: 413 - 1931-1933 434	
28	Case Files: 435 - 1933-1934 465	
29	Case Files: 466 - 1934-1935 483	
30	Case Files: 484 - 1935 502	
31	Case Files: 503 - 1935-1936 520	
32	Case Files: 521 - 1936 534	
33	Case Files: 535 - 1936-1937 550	
34	Case Files: 551 - 1937 576	
35	Case Files: 1938-1940 576(a) - 599	
36	Case Files: 600 - 1938-1940 615	
37	Case Files: 660 - 1939-1940 676	
38	Case Files: 677 - 1940 698	
39	Case Files: 699 - 1940-1941 726	
40	Case Files: 727 - 1941 735	
41	Case Files: 736 - 1941-1942 760	
42	Case Files: 762 - 1942 776	
43	Case Files: 777 - 1942-1943 788	
44	Case Files: 1943-1944 788(a) - 813	
45	Case Files: 814 - 1943-1944 842	
46	Case Files: 843 - 1944 877	
47	Case Files: 878 - 1944-1945 909	

Reel	Description	Dates
48	Case Files: 910 - 1945 918	
49	Case Files: 919 - 1946 967	
50	Case Files: 968 - 1946-1947 1011	
51	Case Files: 1012 1947-1948 - 1051	
52	Case Files: 1052 1947-1948 - 1094	
53	Case Files: 1095 1948-1949 - 1137	
54	Case Files: 1138 1948-1949 - 1176	
55	Case Files: 1950 1176(a) - 1215	
56	Case Files: 1216 1950-1951 - 1244	
57	Case Files: 1245 1951-1952 - 1287	
58	Case Files: 1288 1952-1953 - 1334	
59	Case Files: 1335 1952-1953 - 1374	
60	Case Files: 1375 1952-1953 - 1399	
61	Case Files: 1400 1953-1955 - 1434	
62	Case Files: 1435 1953-1955 - 1438	
63	Case Files: 1439 1953-1955 - 1488	
64	Case Files: 1489 1953-1955 - 1511	